

**805 KAR 9:060. Operating or deepening existing coal bed methane wells and drilling deeper than the permitted depth.**

RELATES TO: KRS 349.015, 349.075, 349.120, 349.155

STATUTORY AUTHORITY: KRS 349.110, 349.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 349.115 authorizes the Department for Natural Resources to promulgate all rules, administrative regulations, and amendments to implement the provisions of KRS Chapter 349, governing coal bed methane wells. KRS 349.110 requires the Department for Natural Resources to promulgate administrative regulations concerning the drilling and operation of all coal bed methane wells. This administrative regulation establishes the requirements to operate a well and drill deeper than the permitted depth.

Section 1. Definitions. The definitions contained in KRS 349.010 and the following additional definitions shall apply to this administrative regulation:

(1) "Deepening" means the drilling deeper of any existing well where new drilling is to proceed past the depth at which the initial drilling of the well ceased.

(2) "Operating a well" means to reenter, reopen, deepen, drill, inject into, produce, attempt to produce, or work over, any well.

Section 2. New Permit Required. The applicant shall obtain a permit to operate any well previously in violation of KRS Chapter 349 or 805 KAR Chapter 9 and whose bond the department has forfeited for noncompliance. The applicant shall comply with KRS Chapter 349 and 805 KAR Chapter 9 before a new permit is granted.

Section 3. New Permit Not Required. An applicant may operate an existing well if he submits an acceptable well transfer Form CBM-10 and bonding as required in KRS 349.015 if one (1) of the following conditions exists:

(1) The well is producing or capable of producing, is not abandoned, and is not in violation of KRS Chapter 349 or 805 KAR Chapter 9; or

(2) The well has been abandoned by the previous operator, but the current applicant's sole intent is to reenter the well for the purpose of properly plugging and abandoning it.

Section 4. New Permit Required for Deepening. The applicant shall obtain a new permit prior to deepening any well, including a directional or horizontal well, if the original permit is more than one (1) year old and the well was not deepened pursuant to that permit or the original well was drilled prior to the permitting requirements of the department, and shall not deepen the well until the permit is issued.

Section 5. New Permit Not Required for Deepening. The permitted operator may deepen an existing well if the permit is not more than one (1) year old and the well has not been drilled past the permitted and bonded depth. The operator shall not drill deeper than the permitted depth if this drilling causes the well to be in noncompliance with the well spacing standards set out in KRS 349.075 or the notice requirements contained in KRS 349.015.

Section 6. Operator Noncompliance. An operator in noncompliance with the requirements of this administrative regulation is subject to the penalties established in KRS 349.155.

Section 7. Material Incorporated by Reference.

(1) "Well Transfer," Form CBM-10, Jan. 2005, Division of Oil and Gas Conservation, is incorporated by reference.

(2) This form may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Natural Resources, Division of Oil and Gas Conservation, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (31 Ky.R. 1472; Am. 1966; eff. 6-8-2005; TAm eff. 7-6-2016.)